



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

August 14, 1956

Hon. William J. Murray, Jr., Chairman Letter Opinion No. MS-258
Railroad Commission of Texas
Tribune Building
Austin, Texas

Re: Employment of additional
personnel by Railroad
Commission under Article
6029a, V. C. S.

Dear Mr. Murray:

After setting out the following language from Article 6029a,
Vernon's Civil Statutes,

"The Railroad Commission is hereby authorized and
directed to employ such additional personnel as may be
necessary to the administration and enforcement of this
Act and related laws and orders, rules and regulations
adopted by the Commission."

you have inquired whether such language is sufficient to authorize the
Commission "to employ and pay the [additional] personnel required
for the inauguration of the administration and enforcement of such law."

Article 6029a imposes a duty upon the Railroad Commission to
supervise the drilling, operation and abandonment of oil or gas wells for
the purpose of preventing the pollution of surface or sub-surface waters
by the "escape or release of crude petroleum oil, salt water or other min-
eralized waters from any such well, or from operations in connection
therewith."

You have further advised us that the Commission has no per-
sonnel to whom it may assign the new duties imposed by Article 6029a,
and that the personnel sought to be employed would occupy positions not
listed in the General Appropriation Act, [House Bill 140, Acts of the Fifty-
fourth Legislature (1955)].

Section 6, Article VIII of the Texas Constitution provides that
"no money shall be drawn from the Treasury but in pursuance of specific
appropriations made by law."

We have carefully examined the specific appropriations of House
Bill 140, relating to the Oil and Gas Division of the Railroad Commission
of Texas. Our examination confirms your conclusion that the personnel
you desire to employ (ten additional engineers and an administrative dir-
ector) are not provided for therein.

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Furthermore, Section 5f of Article VI of such Act provides that:

"None of the funds appropriated in Articles I, II, and III of this Act in items designated for travel expense, other operating expense, for capital outlay or equipment, or for maintenance, miscellaneous and contingent expenses, may be used for paying any salaries and wages unless the language of those items explicitly authorizes such use."

As the Railroad Commission's biennial appropriation is contained within Article III of the Act, the funds there appropriated are subject to the above quoted provision. Therefore, the funds appropriated under Item 145 (contingent expense, etc.) are likewise unavailable for the payment of salaries to the additional personnel in question.

You are advised that it is our opinion that you cannot employ additional personnel to perform the new duties imposed upon the Railroad Commission by Article 6029a, because there is no existing appropriation for the payment of salaries to such personnel.

Very truly yours,

JOHN BEN SHEPPERD
Attorney General of Texas

By



Mert Starnes
Assistant Attorney General